



**TOWN OF TEWKSBURY
CONSERVATION COMMISSION
999 Whipple Road
Tewksbury, MA 01876**

Anthony Ippolito, Chairman
Carolina Linder, Vice-Chair
Steve Deackoff, Clerk
Dennis Sheehan
Jonathan Parker

**Meeting Minutes
February 4, 2015**

The meeting was called to order at 7:00 p.m. by Anthony Ippolito, Chairman at the Pike House (temporary Town Hall). Present at the meeting were Carolina Linder, Steve Deackoff, Dennis Sheehan, and Jonathan Parker. Also in attendance was Kyle Boyd, Conservation Agent, and Melissa Johnson, Recording Secretary.

Approval of Meeting Minutes – January 7, 2015

MOTION: Mr. Parker made a motion to approve the January 7, 2015 meeting minutes as presented; seconded by Ms. Linder and the motion carried 5-0.

A) Abbreviated Notice of Resource Area Delineation, New Horizons Realty Group, LLC, 1201 Main Street, Map 60, Lot 39, DEP #305-978

Mr. Boyd noted that the applicant has requested to continue this matter to February 18, 2015.

MOTION: Mr. Deackoff made a motion to continue Abbreviated Notice of Resource Area Delineation, New Horizons Realty Group, LLC, 1201 Main Street, Map 60, Lot 39, DEP #305-978 to February 18, 2015 at 7:02 p.m.; seconded by Ms. Linder and the motion carried 5-0.

B) Notice of Intent, FTO Realty Trust, 20 Riverview Avenue, Map 98, Lot 121, DEP #

Present was Jim Hanley of Civil Design Consultants. Mr. Hanley explained that at the previous meeting he informed the Commission that the applicant was petitioning the Board of Appeals for a variance. The variance request was denied by the Board of Appeals on January 29, 2015. The applicant is requesting to continue this matter to allow for some time to reevaluate.

MOTION: Mr. Deackoff made the motion to continue, Notice of Intent, FTO Realty Trust, 20 Riverview Avenue, Map 98, Lot 121, DEP # to February 18, 2015 at 7:04 p.m.; seconded by Mr. Parker and the motion carried 5-0.

C) Notice of Intent, Marc P. Ginsburg & Sons, 1438 & 1470 Main Street, Maps 59 & 73, Lots 58 & 36, DEP #305-980

Present was Jim Hanley of Civil Design Consultants and the applicant, Marc Ginsburg. Mr. Hanley explained that they were before the Commission on January 7, 2015 and that there is a commercial component on the Main Street side and residential units behind. Mr. Hanley explained that they have worked with the town engineering department to address storm water concerns and met with the town on January 20, 2015 during their interdepartmental review (IDR) process to address DPW concerns and also received a review letter from the DPW. Mr. Hanley explained that they resubmitted plans on January 30, 2015 and have spoken with the town engineer regarding a few of his concerns specific to drainage and storm water and are coming before the Commission tonight with those issues having been resolved.

Mr. Hanley reviewed some of the adjustments and details that have been added to the plans including details on the wet pond and modifications to the outlet structures for the wet pond and infiltration basin. Mr. Hanley noted that the Commission previously requested they limit the tree clearing to just to recreate wetlands. As a result, they have eliminated some of the tree clearing. Mr. Hanley noted that another concern of the Commission was a snow storage area and explained that the State requires that they prepare a systems map that details the storm water components and includes the snow storage areas be highlighted. Mr. Hanley noted that they have also replaced the hay bales and with straw waddles as requested.

Mr. Boyd noted that he spoke with the Town Engineer, Kevin Hardiman, and overall he is satisfied with the adjustments that have been made. Mr. Boyd explained that he asked Mr. Hardiman about the review for the Planning Board and whether it would have an impact on the conservation side and Mr. Hardiman feels it will not and is satisfied with the conservation side of the review. Mr. Boyd noted that Mel Higgins of Weston & Sampson requested a minimum of 1 foot of hydric soils be put in the replication area and be made a part of the conditions.

Mr. Deackoff referenced the letter dated January 15, 2015 addressing approximately 23 items and asked if this has been satisfied. Mr. Boyd explained that Mr. Harriman's only remaining concern is the sewer line depth which he did not feel would have an impact on the conservation issues.

Ms. Linder discussed the items she mentioned at the previous meeting that were contained in Weston & Sampson's review letter and requested the report be updated in regards to the adjacent BVW. Mr. Boyd noted that this will be contained in the as-built plan.

Mr. Ippolito opened the hearing to the public.

June Alcott of 177 Patrick Road came forward and noted that she would like to discuss the "overview". Mr. Alcott explained that before the "overview" was passed this was designated as wetlands. Mr. Deackoff explained that it is an "overlay" district. Ms. Alcott noted that they were not notified of the zoning change prior to it going to town meeting and

this is a wetland area and should not be buildable just because it is an “overview” area. Mr. Boyd explained that typically proposals of this size are reviewed by a wetland consultant who delineates the wetlands and confirms the boundaries determined by the applicant’s wetland scientist.

Ms. Alcott noted that currently their condominium (Carter Green) is having lighting problems due to water and the high water table in the area. Ms. Alcott discussed the Orchard Street development and the flooding problems it has caused for their condominiums. Ms. Alcott feels that change in zoning was done illegally as they were not notified as abutters.

Mr. Ippolito asked if the management company for the condominium is aware of the lighting problems and Ms. Alcott confirmed this and noted that they have been unable to determine a solution to the problem.

Ms. Alcott noted that she feels the “overviews” should not allow the wetlands to be changed. Mr. Boyd explained that being an overlay district does not affect the wetlands and Ms. Alcott disagreed. Mr. Boyd explained that wetlands are determined by the soil saturation. Ms. Alcott asked if Mr. Boyd has visited the site and Mr. Boyd confirmed this and noted that he visited the site with a wetland scientist.

Gloria Hogan of 179 Patrick Road came forward and noted that there are many residents in the Carter Green Condominiums who have concerns regarding this project because of the area it is being built on.

MOTION: **Mr. Deackoff made the motion to close the public hearing; seconded by Mr. Parker and the motion carried 5-0.**

MOTION: **Mr. Deackoff made the motion to approve Notice of Intent, Marc P. Ginsburg & Sons, 1438 & 1470 Main Street, Maps 59 & 73, Lots 58 & 36, DEP #305-0980, reference shall be made to the plan dated January 29, 2015 revised to address IDR comments, Standard Order of Conditions, 1 foot of hydric soil will be provided in the replication areas, visible and permanent demarcation of the no disturb zone will be provided to minimize any future intrusion in the no disturb zone, Town Engineer from the Town of Tewksbury shall oversee the replication areas; seconded by Ms. Linder and the motion carried 5-0.**

D) Notice of Intent, Brian J. Smith, Laurier Ave (now Day Street), Map 10, Lot 56, DEP #305-0981

Present was Robert Gill, Civil Engineer, 11 Kearney Square, Lowell, MA on behalf of Ken Smith. Mr. Gill provided the members with a copy of a plan of the site and explained that the site consists of two lots; one will be used for Mr. Smith’s son, Brian Smith, and the other for his daughter, Donna. Mr. Gill noted that Mr. Smith owns Penney’s Auto body which is located adjacent to this site and explained that they have gone through subdivision approval and have done runoff calculations and a drainage study which were approved by the town engineer. Mr. Gill noted that there has been much back and forth with the Planning Board

on this matter. Mr. Gill explained that this was previously known as Laurier Avenue and has been changed to Day Street as it was determined that there was a conflict with Laurier and another street. Mr. Gill noted that Stephen Ericksen of Norse Environmental did the wetland delineations and discussed the underground culvert that runs under the right of way. Mr. Gill noted that there will be a drainage infiltration at the bottom of the driveway to catch the runoff and explained that they have received approvals from the Planning Board and feel that they have met all State and local DEP conditions.

Mr. Boyd noted that he visited the site prior to the snowfall and saw the culvert. Mr. Boyd asked if the culvert is connected on the other side of the road. Mr. Gill explained that he believes there is only one inlet and noted that the culvert needs to be cleaned out.

Mr. Boyd suggested additional erosion controls be extended on the other side of the road as well. Mr. Gill agreed this will also be done.

Mr. Deackoff asked if new plans will be submitted with the additional erosion controls. Mr. Gill suggested making this a condition. Mr. Deackoff noted that technically this is a wetland crossing and explained that the town will not be taking over the street in the future; as a result, the applicant is responsible for maintenance and any flooding issues that could occur with the crossing. Mr. Gill confirmed that they are aware of this.

Mr. Ippolito opened the hearing to the public.

Lisa Moore of 126 Astle Street came forward and requested a clarification on the culvert position. Mr. Gill showed the location of the culvert on the plan. Ms. Moore noted that she also owns 106 and this is a fully active culvert and any alteration to that would make them take on water. Mr. Gill explained that no alterations to the culvert will take place and is requesting a condition be put in place that the culvert be cleaned out, which will hopefully help the water situation. Mr. Deackoff asked if the water flows in the direction of the culvert. Mr. Gill explained that they have been unable to determine the underground flow.

Nancy Rose of 138 Astle Street, came forward and noted that they live near conservation land and asked if they will be filling in that area and Mr. Gill explained that they will not be. Ms. Rose asked who will be responsible for the culvert in the future and Mr. Gill explained Mr. Smith would be responsible.

Mr. Deackoff suggested continuing the matter to allow for the plans to be revised to include the culvert details.

MOTION: Mr. Deackoff made the motion to continue, Notice of Intent, Brian J. Smith, Laurier Ave (Now Day Street), Map 10, Lot 56, DEP # to February 18, 2015 at 7:06 p.m.; seconded by Ms. Linder and the motion carried 5-0.

New Business

Mr. Boyd noted that he attended a “Lunch and Learn” with the town engineer put on by Filtrex, who does different erosion controls and their effectiveness in certain sized projects. Mr. Boyd noted that the lunch was very informative and suggested the Commission members also attend the “Lunch and Learn” so in the future they can be more specific on conditions and include the size and type of erosion control. Mr. Boyd will make arrangements for this.

Old Business

Mr. Ippolito reminded the members to obtain their identification badges at the police station.

Administrator’s Report

There was no Administrator’s Report.

Adjourn.

MOTION: Mr. Deackoff made the motion to adjourn; seconded by Ms. Linder and the motion carried 5-0.

Approved: 2/18/15

List of documents for 2/4/15 Agenda
Documents can be located at the Community Development Office

Approval of Meeting Minutes-January 7, 2015

- A. 7:02 P.M. Abbreviated Notice of Resource Area Delineation, New Horizons Realty Group LLC, 1201 Main Street, Map 60 Lot 39, DEP # 305-978
- *Existing Conditions Plan dated October 20, 2014*
 - *Existing Conditions Plans with revisions*
 - *Letter from Weston & Sampson dated December 8, 2014*
 - *ANRAD Application dated November 21, 2014*
- B. 7:04 P.M. Notice of Intent FTO Realty Trust, 20 Riverview Avenue, Map 98 Lot 121, DEP #, 305-982
- *Site Plan dated December 4, 2014*
 - *Site Plan with revisions dated January 2, 2015*
 - *Letter from James Hanley dated January 2, 2015*
 - *Notice of Intent packet dated December 4, 2014*
- C. 7:05 P.M. Notice of Intent, Marc P. Ginsburg & Sons, 1438 & 1470 Main Street, Maps 59 & 73, Lots 58 & 36, DEP #305-980
- *1438 Main Street Mix Use Development Plan dated December 4, 2014*
 - *1438 Main Street Mix Use Development Plan with revisions dated January 1, 2015*
 - *Weston & Sampson review letter dated December 23, 2014*
 - *Letter from Norse Environmental dated December 5, 2014*
 - *Letter from Weston & Sampson dated January 5, 2015*
 - *Site Development Plans dated January 12, 2015*
 - *Notice of Intent packet dated December 2014*
 - *Letter from James Hanley dated December 4, 2014*
 - *Drainage Report dated December 4, 2014*
 - *Letter from Kevin Hardiman dated January 15, 2015*
- D. 7:07 P.M. Notice of Intent, Brian J. Smith, Laurier Ave (Now Day Street), Map 10 Lot 56, DEP # 305-981
- *Notice of Intent Report dated January 8, 2015*
 - *Notice of Intent plan dated December 19, 2014*
 - *Letter from Town Engineer dated December 12, 2014*